



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street²
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – MAY 3, 2005

¹ Sign Language Interpreter would have been provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

²Pursuant to Government Code section 11123, a teleconference location would have been conducted for this meeting at 320 West 4th Street, Los Angeles, California.

FULL BOARD MEETING MINUTES³

MAY 3, 2005

1. ROLL CALL

Members Present:

William Elkins, President
Maeley Tom, Vice President
Ron Alvarado, Member
Sean Harrigan, Member
Anne Sheehan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Floyd D. Shimomura

A. The Senate and Assembly subcommittees recommended approval of the \$18.5 million budget for the SPB, which was proposed by the Governor in January for the 2005-06 fiscal year. Also, we are closing the current fiscal year (2004-05) "in the black" with a modest cushion.

B. The Administration is still considering a possible consolidation of SPB and DPA as recommended by the CPR report, however, it is not likely that this proposal will go forward in the current year. This issue will be revisited in January. In the interim, DPA and SPB will be meeting regularly and engaging in joint and common projects to improve service to our users.

C. DPA Director Michael Navarro appeared and gave a brief statement endorsing a closer working relationship between DPA and the SPB.

D. One issue that both agencies want to address immediately is the proper "scope of bargaining" and this issue may be brought back to the Board for discussion at the full board meeting in June.

3. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

Mr. Alvarado provided a written report summarizing the following activities:

- May is "retirement fair" month and CalPERS has planned several Benefits and Resources Fairs throughout the state.
- Applications are now being accepted for CalPERS long term care program beginning with May 1, 2005 and ending on September 30, 2005.

³ The Minutes for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

- Progress is being made at the new CalPERS building on R street and CalPERS has acquired the five story 400 R Street building and adjoining parking structure.
- CalPERS received a "Global Green" USA Millennium award, in recognition of its leadership in pioneering investments in clean energy, real estate and urban revitalization.
- Finally, CalPERS investment fund continues to maintain a healthy balance and is in sound shape.

4. REPORT OF THE CHIEF COUNSEL - Elise Rose

Litigation:

SEIU v. SPB – SPB filed its answer in this suit challenging validity of non-testing classifications.

CASE v. DIR/SPB – SPB filed its answer in this suit challenging regulation that proscribes release of names on eligibility lists.

Albert v. Shimomura – superior court sustained SPB's decision in this case last year. Albert has filed an appeal.

Other:

ALJ Annual Conference – topics of discussion included whistleblower appeals and medical withholds, among others. Retirement dinner was held for ALJ Mel Segal.

DOE may be looking for extension of time to transition work of hearing special education appeals from McGeorge to Office of Administrative Hearings.

Meeting is scheduled with Department of Corrections to discuss the impact of new vertical prosecution on SPB calendaring.

Meeting scheduled with Office of Inspector General regarding issues of mutual concern.

Public Records Act request from Mike White regarding department's payment of costs in Cornejo and Dille cases.

A letter from appellant Dimoyannis was distributed to board members.

5. NEW BUSINESS

NONE

6. REPORT ON LEGISLATION - Sherry Hicks

- AB 38 (Tran) died in Committee.
- AB 124 (Dymally) is now on the Senate side and has not been assigned to a committee.
- At the request of the Board President, SPB staff met with Cynthia Bryant, of the Governor's Office to discuss AB 124 and the proposed executive order affecting the disabled in State service.

7. ORAL ARGUMENT

Oral argument in the matter of **DARYL STONE, CASE NO. 04-0279A**.
Appeal from dismissal. Police Officer I. Developmental Services.

Participants:

Cynthia Bosco, representing the Department of Developmental Services.
Linda Kelly, representing appellant, Daryl Stone.

8. PSC #05-01

Appeal of the California Attorneys, Administrative Law Judges and Hearing Officers in State Employment from the Executive Officer's December 28, 2004 Approval of a Contract for Legal Services between the California Department of Health Services and Covington & Burling.

Participants:

Roscoe L. Barrow II, representing the Department of Health Services.
Steven Bassoff, representing CASE

9. SECURITY AT 801 CAPITOL MALL – Lori Gillihan

SPB staff discussed recommendations for improved security at 801 Capitol Mall.

10. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code sections 11126 (d), and 18653 (2).]

11. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration,
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,
Sacramento Superior Court No. 04CS00049.

SEIU Local 1000 (CSEA) v. State Personnel Board
Sacramento Superior Court No. 05CS00374

The Copley Press, Inc. v. San Diego Superior Court
California Supreme Court No. S128603

12. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature. [Government Code section 18653.]

13. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor. [Government Code section 18653.]

14. 21st Century Project – John Harrigan, State Controller's Office

The 21st Century Project is a statewide, multi-year effort to replace existing payroll and human resources systems and their associated business processes, with a modern, integrated and automated Human Resources Management System that will utilize best practices in human resources and the most current proven technologies. The 21st Century Project will impact all departmental personnel and human resources operations.

15. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF MAY 17, 2005, IN SACRAMENTO, CALIFORNIA

16. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES

17. EVIDENTIARY CASES - (See Case Listing on Pages 8-15)

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

18. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Minutes Page 21)

19. NON-EVIDENTIARY CASES - (See Case Listing on Pages 15-18)

20. NON-HEARING CALENDAR

Proposals would have been made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

NONE

21. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

22. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Minutes reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

NONE

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

NONE

23. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

24. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

25. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

26. BOARD ACTIONS - (See Minutes - Page 19-20)

These items have been taken under submission by the State Personnel Board at a prior meeting and may have been before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on these minutes under Evidentiary Cases.

A D J O U R N M E N T

17. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

On May 3, 2005, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Alvarado, Harrigan, Sheehan – Aye.

(1) **FRANK GARCIA, CASE NO. 04-0092P**

Appeal from dismissal

Classification: Chief Engineer I

Department: Department of Corrections

ACTION: The Board granted the appellant's petition for rehearing.

B. CASES PENDING

ORAL ARGUMENTS

These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

On May 3, 2005, the Board adopted as indicated below the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Alvarado, Harrigan, Sheehan – Aye.

(1) **DARYL STONE, CASE NO. 04-0279A**

Appeal from dismissal

Classification: Police Officer I

Department: Department of Developmental Services

ACTION: Submitted

C. CHIEF COUNSEL RESOLUTIONS

COURT REMANDS

These cases would have been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

(1) PAMELA POTTS, CASE NO. 05-0780

Seeking retroactive promotion from the position of Fire Fighter II (Paramedic) to Fire Apparatus Engineer (Paramedic) with the Department of Forestry and Fire Protection and Settlement Discrimination Complaint.

ACTION: The Board adopted a resolution approving settlement agreement and backdating promotion.

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

On May 3, 2005, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Alvarado, Harrigan, Sheehan – Aye.

(2) CLETUS CURAH, CASE NO. 04-2146R

Appeal from dismissal

Classification: Transportation Engineer (Civil)

Department: Department of Transportation

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal without modification.

- (3) **MICHELLE FLORENTINE, CASE NO. 04-1771E**
Appeal from denial of reasonable accommodation request
Classification: Senior Legal Typist
Department: State Compensation Insurance Fund
ACTION: The Board adopted the ALJ's Proposed Decision denying the appeal from denial of reasonable accommodation request.
- (3) **LAWRENCE KILGORE, CASE NO. 04-2748**
Appeal from official letter of reprimand
Classification: Correctional Lieutenant
Department: Department of Corrections
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the official letter of reprimand.
- (4) **TIMOTHY PORT, CASE NO. 04-2372**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections
ACTION: The Board took this case under submission and did not vote.
- (5) **SHERRON REED, CASE NO. 04-1886E**
Appeal from denial of sexual harassment complaint
Classification: Facility Captain
Department: Department of Corrections
ACTION: The Board adopted the ALJ's Proposed Decision denying the appeal from denial of sexual harassment complaint.
- (6) **GULSHAN SHARMA, CASE NO. 04-2056**
Appeal from ten working day suspension
Classification: Office Assistant (General)
Department: Employment Development Department
ACTION: The Board adopted the ALJ's Proposed Decision revoking the ten working day suspension.
- (7) **RAYMOND SLEDGE, CASE NO. 04-1708**
Appeal from ten working day suspension
Classification: Youth Correctional Counselor
Department: Department of Youth Authority
ACTION: The Board adopted the ALJ's Proposed Decision revoking the suspension.

- (8) **BESS SMITH, CASE NO. 04-1519**
Appeal from five working days suspension
Classification: Eligibility Worker
Department: Department of Social and Employment Services,
County of Monterey.
ACTION: The Board adopted the ALJ's Proposed Decision
sustaining the five working days suspension.
- (9) **RON STEVENSON, CASE NO. 04-1507**
Appeal from fifteen working days suspension
Classification: Accounting Officer (Specialist)
Department: Employment Development Department
ACTION: The Board adopted the ALJ's Proposed Decision
sustaining the fifteen working days suspension without modification.
- (10) **PETER TURNER, CASE NO. 04-2837**
Appeal from dismissal
Classification: Transportation Surveyor
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision
sustaining the dismissal.
- (11) **ALANA J. VISS, CASE NO. 04-2126**
Appeal from dismissal
Classification: Correctional Counselor II
Department: Board of Prison Terms
ACTION: The Board adopted the ALJ's Proposed Decision
sustaining the dismissal by a vote of 3 to 2.
- (12) **WILLIAM WILEY, CASE NO. 04-1469**
Appeal from non-punitive termination
Classification: Heavy Equipment Mechanic
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision
revoking the non-punitive termination.
- (13) **CRAIG STEVEN WILLIAMS, CASE NO. 05-0044**
Appeal from ten working day suspension
Classification: Officer, California Highway Patrol
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision
reducing the ten working days suspension to a five working days
suspension.

Proposed Decisions Taken Under Submission At Prior Meeting

These would have been ALJ Proposed Decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On May 3, 2005, the Board took the following actions on the following cases presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Alvarado, Harrigan, Sheehan – Aye.

(1) ROBERT RIPANI, CASE NO. 04-2117P

Appeal from five percent reduction in salary for three qualifying pay periods

Classification: Business Taxes Compliance Supervisor II

Department: Board of Equalization

ACTION: The Board denied the appellant's petition for rehearing.

(2) RICHARD SAUNDERS, CASE NO. 03-3752P

Appeal from demotion

Classification: Correctional Sergeant I

Department: Department of Corrections

ACTION: The Board denied the appellant's petition for rehearing.

(3) WILLIAM WOOD, CASE NO. 04-2431P

Appeal from dismissal

Classification: Automobile Mechanic, CF

Department: Department of Corrections

ACTION: The Board denied the appellant's petition for rehearing.

WHISTLEBLOWER NOTICE OF FINDINGS

The Board would have voted to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **JACOB ARIS, CASE NO. 04-1378ER AND
NICHOLAS RUTHART, CASE NO. 04-1409ER**
Appeal from discrimination complaint
Classification: Employment Program Representatives
Department: Employment Development Department

Proposed decision rejected January 25, 2005
Transcript prepared
Pending stipulation
NO ACTION

- (2) **PATRICK BARBER, CASE NO. 04-0279**
Appeal from dismissal
Classification: Youth Correctional Counselor
Department: Department of the Youth Authority

Proposed decision adopted November 3, 2004
Modifying dismissal to 45-calendar day suspension
Petition for Rehearing granted February 8-9, 2005
Transcripts prepared
Pending oral argument June 7-8, 2005, Sacramento
NO ACTION

- (3) **JON CHASE, CASE NO. 04-0392**
Appeal from 30 working days suspension
Classification: Associate Management Auditor
Department: Employment Development Department

Proposed decision rejected April 19, 2005
Pending Transcript
NO ACTION

- (4) **CHAD LOOK, CASE NO. 04-1789**
Appeal from 60 work days suspension
Classification: Correctional Officer
Department: Department of Corrections

Proposed decision rejected January 11, 2005
Transcript prepared
Pending oral argument June 7-8, 2005, Sacramento
NO ACTION

- (5) **JAMES MCAULEY, CASE NO. 04-1856**
Appeal from dismissal
Classification: Associate Transportation Engineer, Caltrans
(Registered)
Department: Department of Transportation

Proposed decision rejected March 8-9, 2005
Transcript prepared
Pending oral argument June 7-8, 2005, Sacramento
NO ACTION

- (6) **KIM RITTENHOUSE, CASE NOS. 03-3541A & 03-3542E**
Appeal from denial of reasonable accommodation
and from constructive medical termination
Classification: Office Technician (General)
Department: Department of Fish and Game

Proposed decision rejected May 18, 2004
Pending transcript
NO ACTION

- (7) **DARYL STONE, CASE NO. 04-0279**
Appeal from dismissal
Classification: Peace Officer I
Department: Department of Developmental Services

Proposed decision rejected on February 8, 2005
Transcripts prepared
Pending oral argument May 3, 2005, Sacramento
NO ACTION

19. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On May 3, 2005, the Board adopted as indicated below the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Tom, Alvarado, Harrigan, Sheehan – Aye.

(1) THEODORE FARIAS, CASE NO. 04-0668

Classification: Correctional Officer

Department: Corrections

Issue: Suitability; omitted pertinent and furnished inaccurate information.

ACTION: The Board adopted the Staff's recommended decision denying the appeal.

(2) PETER HARRIS, NO. 04-1743

Classification: Correctional Officer

Department: Corrections

Issue: Suitability; omitted pertinent information and had a negative employment record.

ACTION: The Board adopted the Staff's recommended decision denying the appeal.

- (3) **MARCEY HARRIS-SJOLANDER, CASE NO. 04-1749**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; omitted pertinent and furnished inaccurate information, negative employment record.
ACTION: The Board adopted the Staff's recommended decision denying the appeal.
- (4) **AARON ROBERTS, CASE NO. 04-1021**
Classification: Correctional Officer
Department: Corrections
Issue: The appellant omitted pertinent information during the selection process; negative law enforcement contacts, and failure to comply with legal obligations.
ACTION: The Board adopted the Staff's recommended decision denying the appeal.
- (5) **ROBERT TWELLS, CASE NO. 04-1216**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability and illegal drug use.
ACTION: The Board adopted the Staff's recommended decision granting the appeal.
- (6) **STEVEN TWU, CASE NO. 04-1217**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; firearms prohibition.
ACTION: The Board adopted the Staff's recommended decision denying the appeal.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases would have been heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board would have been presented recommendations by a Hearing Panel on each appeal.

NONE

**C. EXAMINATION APPEALS
 MINIMUM QUALIFICATIONS
 MERIT ISSUE COMPLAINTS**

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

EXAMINATION APPEALS

NONE

MINIMUM QUALIFICATIONS

NONE

MERIT ISSUE COMPLAINTS

NONE

**D. RULE 211 APPEALS
 RULE 212 OUT OF CLASS APPEALS
 VOIDED APPOINTMENT APPEALS**

Cases would have been heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board would have been presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

On May 3, 2005, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

(1) GEORGE SHINN, CASE NO. 04-1093

Classification: Plumber

Department: Corrections

Issue: The charging party requests charges be filed under various subsections of Government Code section 19572 against a state employee.

ACTION: The Board adopted the Staff's recommended decision denying the appeal.

PETITIONS FOR REHEARING CASES

NONE

F. PSYCHOLOGICAL SCREENING CASES

Cases would have been reviewed by Appeals Division staff, but no hearing was held. It was anticipated that the Board would have acted on these proposals without a hearing.

NONE

SUBMITTED

1. **TEACHER STATE HOSPITAL (SEVERELY), ETC.**
Departments of Mental Health and Developmental Services.
(Hearing held December 3, 2002.)
ACTION: NONE
2. **VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)
ACTION: NONE
3. **TELEVISION SPECIALIST (SAFETY)**
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language would have been added to the Typical Tasks section of the class specification and a Special Physical Characteristics section would have been added. (Presented to Board March 4, 2003.)
ACTION: NONE
4. **HEARING - PSC #04-03**
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)
ACTION: NONE
5. **HEARING**
Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)
ACTION: NONE
6. **HEARING - PSC #04-04**
Appeal of the Secretary of State from the Executive Officer's October 15, 2004 disapproval of SOS's contract with Renne & Holtzman Public Law Group upon the review request submitted by the California Attorneys, Administrative Law Judges and Hearing Officers in State Employment. (Hearing held March 9, 2005)
ACTION: The Board sustained the Executive Officer's October 15, 2004 disapproval of the contract by a vote of 3 to 1. Member Alvarado did not participate in the vote. Member Sheehan dissented.

7. HEARING - PSC #04-06

Appeal of the California Regional Water Quality Control Board (RWQCB) from the Executive Officer's October 27, 2004 Disapproval of a Contract with the City of Glendale (Glendale) Reviewed at the Request of the California Association of Professional Scientists (CAPS) (Hearing held April 6, 2005.)

ACTION: NONE

8. HEARING - PSC #05-01

Appeal of the California Attorneys, Administrative Law Judges and Hearing Officers in State Employment from the Executive Officer's December 28, 2004 Approval of a Contract for Legal Services between the California Department of Health Services and Covington & Burling. (Hearing held May 3, 2005.)

ACTION: NONE

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Minutes for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;


WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on May 3, 2005.

VOTE: Elkins, Tom, Alvarado, Harrigan, Sheehan – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura". The signature is written in black ink and is positioned above the printed name and title.

FLOYD D. SHIMOMURA
Executive Officer
California State Personnel Board